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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/776,782	02/11/2004	Tony C. Enebo	48992.1.2	3228

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EXAMINER

MENDIRATTA, VISHU K

ART UNIT	PAPER NUMBER
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3711

DATE MAILED: 02/10/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No. 10/776,782	Applicant(s) ENEBO, TONY C.	
	Examiner Vishu K Mendiratta	Art Unit 3711	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 11 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-68 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-68 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|---|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date <u>8/5/04</u> . | 6) <input type="checkbox"/> Other: _____ |

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-37,55 rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (1366004).

Jacobs teaches inflatable game pieces (21) having inlet for inflating the game pieces (1:110-2:2). The game pieces being inflatable balloon like pieces inherently include expanded and deflated configurations and possibilities of being carried in any intended size container depending on intended number of game pieces.

Balloon like objects are commonly made out of plastic, rubber or fabric material and inherently taught by Jacobs.

Applicant's claimed invention is being broadly and reasonably interpreted as a number of inflatable balloon like objects and intended use of such objects for playing a chess game.

Jacobs teaches all limitations except that it does not teach inflatable pieces being chess pieces.

Jacob further teaches that the inflatable objects 21 may be inscribed with painted with faces of animals or head of persons/animals (1:35-42) to make the game

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attractive and examiner takes the position that the balloon like objects can be made to represent game pieces in any game depending on the theme of the game.

In order to make the game attractive for chess players, it would have been obvious to modify balloon like objects to represent chess pieces by inscribing or painting face of king, queen, pawn etc.

One of ordinary skill in art at the time the invention was made would have suggested modifying balloon like game pieces (21) to represent chess pieces.

Examiner would like to take the position that shape, size, weight and number of playing pieces further determine dimension of bundle when rolled/folded. Such dimensions are likely to change depending on storage space, portability and other personal reasons. These limitations do not further add limitations. One of ordinary skill in art at the time the invention was made would have suggested changing the dimensions/quantity of objects according to personal requirements and reasons.

Examiner further takes the position that as taught by Jacobs when the inflated balloon like objects are made into shapes of animals (1:35-42) they will inherently take various shapes including planer bottom surfaces.

Jacobs further teaches inflatable game pieces having weight provisions (14). Examiner further takes the position that all balloons have the capability of being repeatedly filled with material for adding weight to the balloon.

Examiner further takes the position that automatic valves and manual valves are common in the balloon art area and would have been obvious to use.

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3. Claims 38-46 rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (1366004) in view of Helfgott (3856309).

Jacobs teaches all limitations except that they do not bear chess indicia.

Helfgott teaches placing chess gaming indicia at the bottom of game pieces (14).

Whereas some players can memorize moving rules/powers of playing pieces, others such as novice players like to see them as they learn to play the game.

In order to learn playing chess, it would have been obvious to modify playing pieces to place rule indicia on them.

One of ordinary skill in art at the time the invention was made would have suggested placing rule indicia on playing pieces for novice players.

4. Claims 47-54,56-64,67-68 rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (1366004) in view of Sansores (4673184).

Jacobs teaches all limitations except that it does not teach flexible playing board.

Sansores teaches flexible playing surface (abstract).

Board games are highly popular and often accompanied/carried by people when they travel or move to other open areas/places.

In order to make it easy to transport/carry board games, it would have been obvious to make them with flexible material.

One of ordinary skill in art at the time the invention was made would have suggested making flexible material to make the game.

Jacobs further does not teach oversized game.

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Sansores teaches oversized game (abstract). In order to make the game interesting it would have been obvious to change the size of the game.

One of ordinary skill in art at the time the invention was made would have suggested making the game oversize. Applicant may note that changing the size of the game does not change the game in essence.

Jacobs further does not teach more durable material at the periphery.

Sansores teaches more durable material at the periphery (42).

In order to keep the game surface in a secured and stretched position it would have been obvious to provide stronger material at the periphery.

One of ordinary skill in art at the time the invention was made would have suggested providing durable material at the periphery for keeping the surface in a stretched position.

Further all fabric materials are some form of mesh and commonly used.

5. Claims 52,53,65-66 rejected under 35 U.S.C. 103(a) as being unpatentable over Jacobs (1366004) in view of Ingwersen (3990708).

Jacobs further does not teach more durable material at the periphery/stake/central mesh material.

Ingwersen teaches more durable material (16) at the periphery (2:57-58), stake for keeping the surface in stretched position and ability for being folded.

In order to keep the game surface in a secured and stretched position it would have been obvious to provide stronger material at the periphery that can be held strongly or staked to the ground.

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One of ordinary skill in art at the time the invention was made would have suggested providing durable material at the periphery for keeping the surface in a stretched position.

Further all fabric materials are some form of mesh and commonly used.

Ingwerson also teaches using mesh material (abstract).

One of ordinary skill in art at the time the invention was made would have suggested using mesh type material.

With respect to providing a pump, it will not possible to play an inflatable game without the use of a pump. One of ordinary skill in art would have suggested providing a pump in the game kit.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vishu K Mendiratta whose telephone number is (571) 272-4426. The examiner can normally be reached on Mon-Fri 8AM to 5PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Greg Vidovich can be reached on (571) 272-4415. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Vishu K Mendiratta
Primary Examiner
Art Unit 3711

A handwritten signature in black ink, consisting of a series of loops and a long horizontal stroke at the end.

VKm
February 2, 2005